IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP. No. 3208 of 2002(F)

PETITIONERS:

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1. **G.R. GOPALAKRISHNAN NAIR, PRESIDENT, THE KULANADA SERVICE CO-OPERATIVE BANK LTD. NO. 2133, KULANADA P.O.**

2. **THE KULANADA SERVICE CO-OPERATIVE BANK LIMITED NO.2133, KULANADA P.O., REPRESENTED BY ITS SECRETARY, K.K. KRISHNANKUTTY NAIR.**

BY ADV. SRI.V.G. ARUN

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, CO-OPERATION DEPARTMENT, TRIVANDRUM.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), TRIVANDRUM.**

3. **P.V. ANILKUMAR, PLANTHOTTATHIL, PANANGAD, KULANADA, PANDALAM.**

R3 BY ADV. SRI.T. H. ABDUL AZEEZ
R1 & R2 BY GOVERNMENT PLEADER SRI. MANOJ
SRI. K. PRAVEEN BABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. No. 3208 of 2002(F)

Order on C.M.P. No. 5808 of 2002 in O.P. No. 3208 of 2002

Dismissed.

21.03.2007 **Sd/- KURIAN JOSEPH, JUDGE.**

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF MEMO OF CHARGES AGAINST THE THIRD RESPONDENT DATED 02.06.1993.**
EXT. P2	**:**	**COPY OF RESOLUTION NO. 1 DATED 25.10.1993 TAKEN BY THE SUB COMMITTEE OF THE BANK.**
EXT. P3	**:**	**COPY OF MEMO ISSUED BY THE BANK TO THE THIRD RESPONDENT DATED 19.10.1994.**
EXT. P4	**:**	**COPY OF THE LETTER NO. 6486/C1/2000/CO-OP DATED 10.02.2001 OF THE GOVERNMENT.**
EXT. P5	**:**	**COPY OF THE ORDER NO. GO(RT) NO. 233/2001/CO-OP DATED 08.05.2001 OF THE GOVERNMENT.**
EXT. P6	**:**	**COPY OF RESOLUTION NO. 5 DATED 30.03.1995 OF THE BANK.**
EXT. P7	**:**	**COPY OF RESOLUTION NO. 6 DATED 30.03.1995 OF THE BANK.**
EXT. P8	**:**	**COPY OF PROCEEDINGS OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES DATED 25.10.2001. NO. CRP(1) 2289/2001.**
EXT. P9	**:**	**COPY OF RELEVANT PORTION OF THE ENQUIRY REPORT DATED 28.09.1998.**
EXT. P10	**:**	**COPY OF RELEVANT PAGE OF THE PROCEEDINGS OF THE ENQUIRY OFFICER.**

// TRUE COPY //

P.A. TO JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 3208 OF 2002

Dated this the 21st day of March, 2007.

J U D G M E N T

In the matter of disciplinary action initiated by the Bank against the third respondent, the second petitioner is essentially aggrieved by Exhibit P8 order passed by the second respondent. Since the second petitioner has a remedy to file an appeal under Section 83 of the Kerala Cooperative Societies Act, it is not necessary for this Court to go into the disputed questions of fact. Accordingly, this original petition is disposed of as follows.

2. In the event of an appeal being filed against Exhibit P8 order before the Government within a period of one month from today, the same shall be treated to have been filed in time. Thereafter, appropriate orders in accordance with law in the matter shall be passed by the first respondent with notice to the petitioners and third respondent within a period of another four months. The interim order passed by this Court in C.M.P. No. 5808/2002 will continue till such time.

This original petition is disposed of.

KURIAN JOSEPH, JUDGE.

smp